

AMENDED IN SENATE SEPTEMBER 6, 2013

AMENDED IN SENATE SEPTEMBER 4, 2013

AMENDED IN SENATE JULY 3, 2013

AMENDED IN SENATE JUNE 17, 2013

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY APRIL 17, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 484

Introduced by Assembly Member Bonilla

(Coauthor: Senator Steinberg)

February 19, 2013

An act to amend Sections 52052, 60601, 60603, 60604, 60607, 60610, 60611, 60612, 60630, 60640, 60641, 60643, 60648, 99300, and 99301 of, to amend the heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of, to amend and repeal Section 60602 of, to add Sections 60602.5, 60642.6, 60643.6, and 60648.5 to, to repeal Sections 60605.5, 60606, 60643.1, 60643.5, and 60645 of, and to repeal, add, and repeal Section 60649 of, the Education Code, relating to pupil assessments.

LEGISLATIVE COUNSEL’S DIGEST

AB 484, as amended, Bonilla. Pupil assessments: Measurement of Academic Performance and Progress (MAPP).

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index (API) to measure the performance of schools and school districts, especially the academic performance of pupils.

Existing law, the Leroy Greene California Assessment of Academic Achievement Act, requires the Superintendent to design and implement a statewide pupil assessment program, and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program and the California Standards Tests. Existing law makes the Leroy Greene California Assessment of Academic Achievement Act inoperative on July 1, 2014, and repeals it on January 1, 2015.

Existing federal law, the No Child Left Behind Act of 2001, contains provisions generally requiring states to adopt performance goals for their public elementary and secondary schools, and to demonstrate that these public schools are making adequate yearly progress, as measured by pupil performance on standardized tests as well as other measures, to satisfy those goals.

Existing law requires the Superintendent, with approval of the state board, to develop the California Standards Tests, to measure the degree to which pupils are achieving academically rigorous content standards and performance standards, as provided.

Existing law, the Early Assessment Program, establishes a collaborative effort, headed by the California State University, to enable pupils to learn about their readiness for college-level English and mathematics before their senior year of high school.

This bill would, for the 2013–14 and 2014–15 school years, upon approval of the state board, authorize the Superintendent to not provide an API score to a school or school district due to a determination by the Superintendent that a transition to new standards-based assessments would compromise comparability of results across schools or school districts.

The bill would extend the duration of the provisions of the Leroy Greene California Assessment of Academic Achievement Act by 6 years so that they would become inoperative on July 1, 2020, and be repealed on January 1, 2021.

The bill would delete the provisions establishing the STAR Program, and instead establish the Measurement of Academic Performance and

Progress (MAPP), commencing with the 2013–14 school year, for the assessment of certain elementary and secondary pupils. The bill would specify that the MAPP would be composed of: a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, as specified; science grade level assessments in grades 5, 8, and 10, measuring specified content standards; the California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, as specified; and the Early Assessment Program. The bill would specify numerous policies and procedures with respect to the development and the implementation of the MAPP by the Superintendent, the state board, and affected local educational agencies.

This bill would, commencing with the 2014–15 school year and for purposes of the Early Assessment Program, authorize the replacement of the California Standards Test and the augmented California Standards Tests in English language arts and mathematics with the grade 11 consortium computer-adaptive assessments in English language arts and mathematics, as provided.

This bill would make conforming and other related changes and nonsubstantive changes.

This bill would incorporate additional changes in Section 52052 of the Education Code, proposed by SB 344, to be operative only if SB 344 and this bill are chaptered and become effective on or before January 1, 2014, and this bill is chaptered last.

This bill would incorporate additional changes in Section 99301 of the Education Code, proposed by SB 490, to be operative only if SB 490 and this bill are chaptered and become effective on or before January 1, 2014, and this bill is chaptered last.

~~This bill would make conforming and other related changes and nonsubstantive changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 52052 of the Education Code is amended
- 2 to read:
- 3 52052. (a) (1) The Superintendent, with approval of the state
- 4 board, shall develop an Academic Performance Index (API), to

1 measure the performance of schools and school districts, especially
2 the academic performance of pupils.

3 (2) A school or school district shall demonstrate comparable
4 improvement in academic achievement as measured by the API
5 by all numerically significant pupil subgroups at the school or
6 school district, including:

7 (A) Ethnic subgroups.

8 (B) Socioeconomically disadvantaged pupils.

9 (C) English learners.

10 (D) Pupils with disabilities.

11 (E) Foster youth.

12 (3) (A) For purposes of this section, a numerically significant
13 pupil subgroup is one that consists of at least 30 pupils, each of
14 whom has a valid test score.

15 (B) Notwithstanding subparagraph (A), for a subgroup of pupils
16 who are foster youth, a numerically significant pupil subgroup is
17 one that consists of at least 15 pupils.

18 (C) For a school or school district with an API score that is
19 based on no fewer than 11 and no more than 99 pupils with valid
20 test scores, numerically significant pupil subgroups shall be defined
21 by the Superintendent, with approval by the state board.

22 (4) (A) The API shall consist of a variety of indicators currently
23 reported to the department, including, but not limited to, the results
24 of the achievement test administered pursuant to Section 60640,
25 attendance rates for pupils in elementary schools, middle schools,
26 and secondary schools, and the graduation rates for pupils in
27 secondary schools.

28 (B) The Superintendent, with the approval of the state board,
29 may also incorporate into the API the rates at which pupils
30 successfully promote from one grade to the next in middle school
31 and high school, and successfully matriculate from middle school
32 to high school.

33 (C) Graduation rates for pupils in secondary schools shall be
34 calculated for the API as follows:

35 (i) Four-year graduation rates shall be calculated by taking the
36 number of pupils who graduated on time for the current school
37 year, which is considered to be three school years after the pupils
38 entered grade 9 for the first time, and dividing that number by the
39 total calculated in clause (ii).

(ii) The number of pupils entering grade 9 for the first time in the school year three school years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was three school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was three school years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(iii) Five-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be four school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (iv).

(iv) The number of pupils entering grade 9 for the first time in the school year four years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was four school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was four years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(v) Six-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be five school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (vi).

(vi) The number of pupils entering grade 9 for the first time in the school year five years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was five school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was five years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(D) The inclusion of five- and six-year graduation rates for pupils in secondary schools shall meet the following requirements:

1 (i) Schools and school districts shall be granted one-half the
2 credit in their API scores for graduating pupils in five years that
3 they are granted for graduating pupils in four years.

4 (ii) Schools and school districts shall be granted one-quarter the
5 credit in their API scores for graduating pupils in six years that
6 they are granted for graduating pupils in four years.

7 (iii) Notwithstanding clauses (i) and (ii), schools and school
8 districts shall be granted full credit in their API scores for
9 graduating in five or six years a pupil with disabilities who
10 graduates in accordance with his or her individualized education
11 program.

12 (E) The pupil data collected for the API that comes from the
13 achievement test administered pursuant to Section 60640 and the
14 high school exit examination administered pursuant to Section
15 60851, when fully implemented, shall be disaggregated by special
16 education status, English learners, socioeconomic status, gender,
17 and ethnic group. Only the test scores of pupils who were counted
18 as part of the enrollment in the annual data collection of the
19 California Basic Educational Data System for the current fiscal
20 year and who were continuously enrolled during that year may be
21 included in the test result reports in the API score of the school.

22 (F) (i) Commencing with the baseline API calculation in 2016,
23 and for each year thereafter, results of the achievement test and
24 other tests specified in subdivision (b) shall constitute no more
25 than 60 percent of the value of the index for secondary schools.

26 (ii) In addition to the elements required by this paragraph, the
27 Superintendent, with approval of the state board, may incorporate
28 into the index for secondary schools valid, reliable, and stable
29 measures of pupil preparedness for postsecondary education and
30 career.

31 (G) Results of the achievement test and other tests specified in
32 subdivision (b) shall constitute at least 60 percent of the value of
33 the index for primary schools and middle schools.

34 (H) It is the intent of the Legislature that the state's system of
35 public school accountability be more closely aligned with both the
36 public's expectations for public education and the workforce needs
37 of the state's economy. It is therefore necessary that the
38 accountability system evolve beyond its narrow focus on pupil test
39 scores to encompass other valuable information about school
40 performance, including, but not limited to, pupil preparedness for

1 college and career, as well as the high school graduation rates
2 already required by law.

3 (I) The Superintendent shall annually determine the accuracy
4 of the graduation rate data. Notwithstanding any other law,
5 graduation rates for pupils in dropout recovery high schools shall
6 not be included in the API. For purposes of this subparagraph,
7 “dropout recovery high school” means a high school in which 50
8 percent or more of its pupils have been designated as dropouts
9 pursuant to the exit/withdrawal codes developed by the department
10 or left a school and were not otherwise enrolled in a school for a
11 period of at least 180 days.

12 (J) To complement the API, the Superintendent, with the
13 approval of the state board, may develop and implement a program
14 of school quality review that features locally convened panels to
15 visit schools, observe teachers, interview pupils, and examine pupil
16 work, if an appropriation for this purpose is made in the annual
17 Budget Act.

18 (K) The Superintendent shall annually provide to local
19 educational agencies and the public a transparent and
20 understandable explanation of the individual components of the
21 API and their relative values within the API.

22 (L) An additional element chosen by the Superintendent and
23 the state board for inclusion in the API pursuant to this paragraph
24 shall not be incorporated into the API until at least one full school
25 year after the state board’s decision to include the element into the
26 API.

27 (b) Pupil scores from the following tests, when available and
28 when found to be valid and reliable for this purpose, shall be
29 incorporated into the API:

30 (1) The standards-based achievement tests provided for in
31 Section 60642.5.

32 (2) The high school exit examination.

33 (c) Based on the API, the Superintendent shall develop, and the
34 state board shall adopt, expected annual percentage growth targets
35 for all schools based on their API baseline score from the previous
36 year. Schools are expected to meet these growth targets through
37 effective allocation of available resources. For schools below the
38 statewide API performance target adopted by the state board
39 pursuant to subdivision (d), the minimum annual percentage growth
40 target shall be 5 percent of the difference between the actual API

1 score of a school and the statewide API performance target, or one
2 API point, whichever is greater. Schools at or above the statewide
3 API performance target shall have, as their growth target,
4 maintenance of their API score above the statewide API
5 performance target. However, the state board may set differential
6 growth targets based on grade level of instruction and may set
7 higher growth targets for the lowest performing schools because
8 they have the greatest room for improvement. To meet its growth
9 target, a school shall demonstrate that the annual growth in its API
10 is equal to or more than its schoolwide annual percentage growth
11 target and that all numerically significant pupil subgroups, as
12 defined in subdivision (a), are making comparable improvement.

13 (d) Upon adoption of state performance standards by the state
14 board, the Superintendent shall recommend, and the state board
15 shall adopt, a statewide API performance target that includes
16 consideration of performance standards and represents the
17 proficiency level required to meet the state performance target.

18 (e) (1) A school or school district with 11 to 99 pupils with
19 valid test scores shall receive an API score with an asterisk that
20 indicates less statistical certainty than API scores based on 100 or
21 more test scores.

22 (2) A school or school district annually shall receive an API
23 score, unless the Superintendent determines that an API score
24 would be an invalid measure of the performance of the school or
25 school district for one or more of the following reasons:

26 (A) Irregularities in testing procedures occurred.

27 (B) The data used to calculate the API score of the school or
28 school district are not representative of the pupil population at the
29 school or school district.

30 (C) Significant demographic changes in the pupil population
31 render year-to-year comparisons of pupil performance invalid.

32 (D) The department discovers or receives information indicating
33 that the integrity of the API score has been compromised.

34 (E) Insufficient pupil participation in the assessments included
35 in the API.

36 (F) A transition to new standards-based assessments
37 compromises comparability of results across schools or school
38 districts. The Superintendent may use the authority in this
39 subparagraph in the 2013–14 and 2014–15 school years only, with
40 approval of the state board.

(3) If a school or school district has fewer than 100 pupils with valid test scores, the calculation of the API or adequate yearly progress pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be calculated over more than one annual administration of the tests administered pursuant to Section 60640 and the high school exit examination administered pursuant to Section 60851, consistent with regulations adopted by the state board.

(4) ~~For entities—Any school or school district that does not receive an API calculated pursuant to subparagraph (F) of paragraph (2) shall not receive an API growth target pursuant to subdivision (c). Schools and school districts that do not have an API calculated pursuant to subparagraph (F) of paragraph (2), the (2) shall use one of the following:~~

(A) ~~The most recent API calculation, or an calculation.~~

(B) ~~An average of the three most recent annual API calculations, whichever is greater, shall be used to satisfy statutory requirements requiring an API calculation. For entities that do not have a prior API calculation, other information on academic performance shall be used to satisfy statutory requirements necessitating an API calculation. calculations.~~

(C) ~~Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among significant subgroups.~~

(f) Only schools with 100 or more test scores contributing to the API may be included in the API rankings.

(g) The Superintendent, with the approval of the state board, shall develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools pursuant to Section 56366, and alternative schools serving high-risk pupils, including continuation high schools and opportunity schools. Schools in the alternative accountability system may receive an API score, but shall not be included in the API rankings.

(h) For purposes of this section, county offices of education shall be considered school districts.

SEC. 1.5. Section 52052 of the Education Code is amended to read:

1 52052. (a) (1) The Superintendent, with approval of the state
2 board, shall develop an Academic Performance Index (API), to
3 measure the performance of schools and school districts, especially
4 the academic performance of pupils.

5 (2) A school or school district shall demonstrate comparable
6 improvement in academic achievement as measured by the API
7 by all numerically significant pupil subgroups at the school or
8 school district, including:

9 (A) Ethnic subgroups.

10 (B) Socioeconomically disadvantaged pupils.

11 (C) English learners.

12 (D) Pupils with disabilities.

13 (E) Foster youth.

14 (F) *Reclassified English learners. The inclusion of reclassified*
15 *English learners in the API shall, at a minimum, be consistent with*
16 *the manner in which reclassified English learners are included in*
17 *the determination of adequate yearly progress, as required by*
18 *Section 6311(b)(2)(B) of the federal No Child Left Behind Act of*
19 *2001 (20 U.S.C. Sec. 6301 et seq.).*

20 (3) (A) For purposes of this section, a numerically significant
21 pupil subgroup is one that consists of at least 30 pupils, each of
22 whom has a valid test score.

23 (B) Notwithstanding subparagraph (A), for a subgroup of pupils
24 who are foster youth, a numerically significant pupil subgroup is
25 one that consists of at least 15 pupils.

26 (C) For a school or school district with an API score that is
27 based on no fewer than 11 and no more than 99 pupils with valid
28 test scores, numerically significant pupil subgroups shall be defined
29 by the Superintendent, with approval by the state board.

30 (4) (A) The API shall consist of a variety of indicators currently
31 reported to the department, including, but not limited to, the results
32 of the achievement test administered pursuant to Section 60640,
33 attendance rates for pupils in elementary schools, middle schools,
34 and secondary schools, and the graduation rates for pupils in
35 secondary schools.

36 (B) The Superintendent, with the approval of the state board,
37 may also incorporate into the API the rates at which pupils
38 successfully promote from one grade to the next in middle school
39 and high school, and successfully matriculate from middle school
40 to high school.

1 (C) Graduation rates for pupils in secondary schools shall be
2 calculated for the API as follows:

3 (i) Four-year graduation rates shall be calculated by taking the
4 number of pupils who graduated on time for the current school
5 year, which is considered to be three school years after the pupils
6 entered grade 9 for the first time, and dividing that number by the
7 total calculated in clause (ii).

8 (ii) The number of pupils entering grade 9 for the first time in
9 the school year three school years before the current school year,
10 plus the number of pupils who transferred into the class graduating
11 at the end of the current school year between the school year that
12 was three school years before the current school year and the date
13 of graduation, less the number of pupils who transferred out of the
14 school between the school year that was three school years before
15 the current school year and the date of graduation who were
16 members of the class that is graduating at the end of the current
17 school year.

18 (iii) Five-year graduation rates shall be calculated by taking the
19 number of pupils who graduated on time for the current school
20 year, which is considered to be four school years after the pupils
21 entered grade 9 for the first time, and dividing that number by the
22 total calculated in clause (iv).

23 (iv) The number of pupils entering grade 9 for the first time in
24 the school year four years before the current school year, plus the
25 number of pupils who transferred into the class graduating at the
26 end of the current school year between the school year that was
27 four school years before the current school year and the date of
28 graduation, less the number of pupils who transferred out of the
29 school between the school year that was four years before the
30 current school year and the date of graduation who were members
31 of the class that is graduating at the end of the current school year.

32 (v) Six-year graduation rates shall be calculated by taking the
33 number of pupils who graduated on time for the current school
34 year, which is considered to be five school years after the pupils
35 entered grade 9 for the first time, and dividing that number by the
36 total calculated in clause (vi).

37 (vi) The number of pupils entering grade 9 for the first time in
38 the school year five years before the current school year, plus the
39 number of pupils who transferred into the class graduating at the
40 end of the current school year between the school year that was

1 five school years before the current school year and the date of
2 graduation, less the number of pupils who transferred out of the
3 school between the school year that was five years before the
4 current school year and the date of graduation who were members
5 of the class that is graduating at the end of the current school year.

6 (D) The inclusion of five- and six-year graduation rates for
7 pupils in secondary schools shall meet the following requirements:

8 (i) Schools *and school districts* shall be granted one-half the
9 credit in their API scores for graduating pupils in five years that
10 they are granted for graduating pupils in four years.

11 (ii) Schools and school districts shall be granted one-quarter the
12 credit in their API scores for graduating pupils in six years that
13 they are granted for graduating pupils in four years.

14 (iii) Notwithstanding clauses (i) and (ii), schools and school
15 districts shall be granted full credit in their API scores for
16 graduating in five or six years a pupil with disabilities who
17 graduates in accordance with his or her individualized education
18 program.

19 (E) The pupil data collected for the API that comes from the
20 achievement test administered pursuant to Section 60640 and the
21 high school exit examination administered pursuant to Section
22 60851, when fully implemented, shall be disaggregated by special
23 education status, English learners, socioeconomic status, gender,
24 and ethnic group. Only the test scores of pupils who were counted
25 as part of the enrollment in the annual data collection of the
26 California Basic Educational Data System for the current fiscal
27 year and who were continuously enrolled during that year may be
28 included in the test result reports in the API score of the school.

29 (F) (i) Commencing with the baseline API calculation in 2016,
30 and for each year thereafter, results of the achievement test and
31 other tests specified in subdivision (b) shall constitute no more
32 than 60 percent of the value of the index for secondary schools.

33 (ii) In addition to the elements required by this paragraph, the
34 Superintendent, with approval of the state board, may incorporate
35 into the index for secondary schools valid, reliable, and stable
36 measures of pupil preparedness for postsecondary education and
37 career.

38 (G) Results of the achievement test and other tests specified in
39 subdivision (b) shall constitute at least 60 percent of the value of
40 the index for primary schools and middle schools.

(H) It is the intent of the Legislature that the state's system of public school accountability be more closely aligned with both the public's expectations for public education and the workforce needs of the state's economy. It is therefore necessary that the accountability system evolve beyond its narrow focus on pupil test scores to encompass other valuable information about school performance, including, but not limited to, pupil preparedness for college and career, as well as the high school graduation rates already required by law.

(I) The Superintendent shall annually determine the accuracy of the graduation rate data. Notwithstanding any other law, graduation rates for pupils in dropout recovery high schools shall not be included in the API. For purposes of this subparagraph, "dropout recovery high school" means a high school in which 50 percent or more of its pupils have been designated as dropouts pursuant to the exit/withdrawal codes developed by the department or left a school and were not otherwise enrolled in a school for a period of at least 180 days.

(J) To complement the API, the Superintendent, with the approval of the state board, may develop and implement a program of school quality review that features locally convened panels to visit schools, observe teachers, interview pupils, and examine pupil work, if an appropriation for this purpose is made in the annual Budget Act.

(K) The Superintendent shall annually provide to local educational agencies and the public a transparent and understandable explanation of the individual components of the API and their relative values within the API.

(L) An additional element chosen by the Superintendent and the state board for inclusion in the API pursuant to this paragraph shall not be incorporated into the API until at least one full school year after the state board's decision to include the element into the API.

(b) Pupil scores from the following tests, when available and when found to be valid and reliable for this purpose, shall be incorporated into the API:

(1) The standards-based achievement tests provided for in Section 60642.5.

(2) The high school exit examination.

1 (c) Based on the API, the Superintendent shall develop, and the
2 state board shall adopt, expected annual percentage growth targets
3 for all schools based on their API baseline score from the previous
4 year. Schools are expected to meet these growth targets through
5 effective allocation of available resources. For schools below the
6 statewide API performance target adopted by the state board
7 pursuant to subdivision (d), the minimum annual percentage growth
8 target shall be 5 percent of the difference between the actual API
9 score of a school and the statewide API performance target, or one
10 API point, whichever is greater. Schools at or above the statewide
11 API performance target shall have, as their growth target,
12 maintenance of their API score above the statewide API
13 performance target. However, the state board may set differential
14 growth targets based on grade level of instruction and may set
15 higher growth targets for the lowest performing schools because
16 they have the greatest room for improvement. To meet its growth
17 target, a school shall demonstrate that the annual growth in its API
18 is equal to or more than its schoolwide annual percentage growth
19 target and that all numerically significant pupil subgroups, as
20 defined in subdivision (a), are making comparable improvement.

21 (d) Upon adoption of state performance standards by the state
22 board, the Superintendent shall recommend, and the state board
23 shall adopt, a statewide API performance target that includes
24 consideration of performance standards and represents the
25 proficiency level required to meet the state performance target.

26 (e) (1) A school or school district with 11 to 99 pupils with
27 valid test scores shall receive an API score with an asterisk that
28 indicates less statistical certainty than API scores based on 100 or
29 more test scores.

30 (2) A school or school district annually shall receive an API
31 score, unless the Superintendent determines that an API score
32 would be an invalid measure of the performance of the school or
33 school district for one or more of the following reasons:

34 (A) Irregularities in testing procedures occurred.

35 (B) The data used to calculate the API score of the school or
36 school district are not representative of the pupil population at the
37 school or school district.

38 (C) Significant demographic changes in the pupil population
39 render year-to-year comparisons of pupil performance invalid.

1 (D) The department discovers or receives information indicating
2 that the integrity of the API score has been compromised.

3 (E) Insufficient pupil participation in the assessments included
4 in the API.

5 *(F) A transition to new standards-based assessments*
6 *compromises comparability of results across schools or school*
7 *districts. The Superintendent may use the authority in this*
8 *subparagraph in the 2013–14 and 2014–15 school years only,*
9 *with approval of the state board.*

10 (3) If a school or school district has fewer than 100 pupils with
11 valid test scores, the calculation of the API or adequate yearly
12 progress pursuant to the federal No Child Left Behind Act of 2001
13 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be
14 calculated over more than one annual administration of the tests
15 administered pursuant to Section 60640 and the high school exit
16 examination administered pursuant to Section 60851, consistent
17 with regulations adopted by the state board.

18 *(4) Any school or school district that does not receive an API*
19 *calculated pursuant to subparagraph (F) of paragraph (2) shall*
20 *not receive an API growth target pursuant to subdivision (c).*
21 *Schools and school districts that do not have an API calculated*
22 *pursuant to subparagraph (F) of paragraph (2) shall use one of*
23 *the following:*

24 *(A) The most recent API calculation.*

25 *(B) An average of the three most recent annual API calculations.*

26 *(C) Alternative measures that show increases in pupil academic*
27 *achievement for all groups of pupils schoolwide and among*
28 *significant subgroups.*

29 (f) Only schools with 100 or more test scores contributing to
30 the API may be included in the API rankings.

31 (g) The Superintendent, with the approval of the state board,
32 shall develop an alternative accountability system for schools under
33 the jurisdiction of a county board of education or a county
34 superintendent of schools, community day schools, nonpublic,
35 nonsectarian schools pursuant to Section 56366, and alternative
36 schools serving high-risk pupils, including continuation high
37 schools and opportunity schools. Schools in the alternative
38 accountability system may receive an API score, but shall not be
39 included in the API rankings.

(h) For purposes of this section, county offices of education shall be considered school districts.

SEC. 2. Section 60601 of the Education Code is amended to read:

60601. This chapter shall become inoperative on July 1, 2020, and as of January 1, 2021, is repealed, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 60602 of the Education Code is amended to read:

60602. (a) It is the intent of the Legislature in enacting this chapter to provide a system of individual assessment of pupils that has the primary purpose of assisting teachers, administrators, and pupils and their parents to improve teaching and learning. In order to accomplish these goals, the Legislature finds and declares that California should adopt a coordinated and consolidated testing program to do all of the following:

(1) First and foremost, provide information on the academic status and progress of individual pupils to those pupils, their parents, and their teachers. This information should be designed to assist in the improvement of teaching and learning in California public classrooms. The Legislature recognizes that, in addition to statewide assessments that will occur as specified in this chapter, school districts will conduct additional ongoing pupil diagnostic assessment and provide information regarding pupil performance based on those assessments on a regular basis to parents or guardians and schools. The Legislature further recognizes that local diagnostic assessment is a primary mechanism through which academic strengths and weaknesses are identified.

(2) Develop and adopt a set of statewide academically rigorous content standards and performance standards in all major subject areas to serve as the basis for assessing the academic achievement of individual pupils, as well as for schools, school districts, and for the California education system as a whole. The performance standards shall be designed to lead to specific grade level benchmarks of academic achievement for each subject area tested within each grade level, and shall be based on the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century.

1 (3) Ensure that all assessment procedures, items, instruments,
2 and scoring systems are independently reviewed to ensure that
3 they meet high standards of statistical reliability and validity, and
4 that they do not use procedures, items, instruments, or scoring
5 practices that are racially, culturally, or gender biased.

6 (4) Provide information to pupils, parents or guardians, teachers,
7 schools, and school districts on a timely basis so that the
8 information can be used to further the development of the pupil
9 and to improve the educational program.

10 (5) Develop assessments that are comparable to the National
11 Assessment of Educational Progress and other national and
12 international assessment efforts, so that California's local and state
13 test results are reported in a manner that corresponds to the national
14 test results. Test results should be reported in terms describing a
15 pupil's academic performance in relation to the statewide
16 academically rigorous content and performance standards adopted
17 by the state board and in terms of employment skills possessed by
18 the pupil, in addition to being reported as numerical or percentile
19 scores.

20 (6) Assess pupils for a broad range of academic skills and
21 knowledge including both basic academic skills and the ability of
22 pupils to apply those skills.

23 (7) Include an appropriate balance of types of assessment
24 instruments, including, but not limited to, multiple choice
25 questions, short answer questions, and assessments of applied
26 academic skills.

27 (8) Minimize the amount of instructional time devoted to
28 assessments administered pursuant to this chapter.

29 (b) It is the intent of the Legislature, pursuant to this article, to
30 begin a planning and implementation process to enable the
31 Superintendent to accomplish the goals set forth in this section as
32 soon as feasible.

33 (c) It is the intent of the Legislature that parents, classroom
34 teachers, other educators, governing board members of school
35 districts, and the public be involved, in an active and ongoing basis,
36 in the design and implementation of the statewide pupil assessment
37 program and the development of assessment instruments.

38 (d) It is the intent of the Legislature, insofar as is practically
39 feasible and following the completion of annual testing, that the
40 content, test structure, and test items in the assessments that are

1 part of the Standardized Testing and Reporting Program become
2 open and transparent to teachers, parents, and pupils, to assist all
3 the stakeholders in working together to demonstrate improvement
4 in pupil academic achievement. A planned change in annual test
5 content, format, or design should be made available to educators
6 and the public well before the beginning of the school year in
7 which the change will be implemented.

8 (e) It is the intent of the Legislature that the results of the
9 California Standards Tests be available for use, after appropriate
10 validation, academic credit, or placement and admissions processes,
11 or both, at postsecondary educational institutions.

12 (f) This section shall become inoperative on July 1, 2014, and,
13 as of January 1, 2015, is repealed, unless a later enacted statute,
14 that becomes operative on or before January 1, 2015, deletes or
15 extends the dates on which it becomes inoperative and is repealed.

16 SEC. 4. Section 60602.5 is added to the Education Code, to
17 read:

18 60602.5. (a) It is the intent of the Legislature in enacting this
19 chapter to provide a system of assessments of pupils that has the
20 primary purposes of assisting teachers, administrators, and pupils
21 and their parents; improving teaching and learning; and promoting
22 high-quality teaching and learning using a variety of assessment
23 approaches and item types. The assessments, where applicable and
24 valid, will produce scores that can be aggregated and disaggregated
25 for the purpose of holding schools and local educational agencies
26 accountable for the achievement of all their pupils in learning the
27 California academic content standards. The system includes
28 assessments or assessment tools for multiple grade levels that cover
29 the full breadth and depth of the curriculum and promote the
30 teaching of the full curriculum. In order to accomplish these goals,
31 the Legislature finds and declares that California should adopt a
32 coordinated and consolidated testing system to do all of the
33 following:

34 (1) Develop and adopt a set of statewide academically rigorous
35 content standards in all major subject areas to serve as the basis
36 for modeling and promoting high-quality teaching and learning
37 activities across the entire curriculum and assessing the academic
38 achievement of pupils, as well as for schools, school districts, and
39 for the California education system as a whole. Exclusive of those
40 assessments established by a multistate consortium, produce

1 performance standards to be adopted by the state board designed
2 to lead to specific grade level benchmarks of academic achievement
3 for each subject area tested within each grade level based on the
4 knowledge, skills, and processes that pupils will need in order to
5 succeed in the information-based, global economy of the 21st
6 century.

7 (2) Provide information and resources to schools and local
8 educational agencies to assist with the selection of local benchmark
9 assessments, diagnostic assessments, and formative tools aligned
10 with the state-adopted California academic content standards. The
11 Legislature recognizes the importance of local tools and
12 assessments used by schools and local educational agencies to
13 monitor pupil achievement and to identify individual pupil
14 strengths and weaknesses. The Legislature further recognizes the
15 role the state may play in leveraging resources to provide schools
16 and local educational agencies with information and tools for use
17 at their discretion.

18 (3) Ensure that all assessment procedures, items, instruments,
19 scoring systems, and results meet high standards of statistical
20 reliability and validity, and that they do not use procedures, items,
21 instruments, or scoring practices that are racially, culturally,
22 socioeconomically, or gender biased.

23 (4) Provide information to pupils, parents and guardians,
24 teachers, schools, and local educational agencies on a timely basis
25 so the information can be used to further the development of the
26 pupil or to improve the educational program. The Legislature
27 recognizes that the majority of the assessments in the system will
28 generate individual pupil scores that will provide information on
29 pupil achievement to pupils, their parents or guardians, teachers,
30 schools, and local educational agencies. The Legislature further
31 recognizes that some assessments in the system may solely generate
32 results at the school, school district, county, or state level for
33 purposes of improving the education program and promoting the
34 teaching and learning of the full curriculum.

35 (5) When administered as a census administration, results should
36 be reported in terms describing a pupil's academic performance
37 in relation to the statewide academically rigorous content and
38 performance standards and in terms of college and career readiness
39 skills possessed by the pupil, in addition to being reported as a
40 numerical. When appropriate, the reports should include a measure

1 of growth that describes a pupil's current status in relation to past
2 performance.

3 (6) Where feasible, administer assessments via technology to
4 enhance the assessment of challenging content using innovative
5 item types and to facilitate expedited scoring.

6 (7) Minimize the amount of instructional time devoted to
7 assessments administered pursuant to this chapter. It is the intent
8 of the Legislature that any redundancies in statewide testing be
9 eliminated as soon as is feasible.

10 (b) It is the intent of the Legislature, pursuant to this article, to
11 initiate planning for the implementation process to enable the
12 Superintendent to accomplish the goals set forth in this section as
13 soon as feasible.

14 (c) It is the intent of the Legislature that parents, classroom
15 teachers, other educators, pupil representatives, institutions of
16 higher education, business community members, and the public
17 be involved, in an active and ongoing basis, in the design and
18 implementation of the statewide pupil assessment system and the
19 development of assessment instruments. The Legislature recognizes
20 the important role that these stakeholders play in the success of
21 the statewide pupil assessment system and the importance of
22 providing them with information and resources about the new
23 statewide system including the goals and appropriate uses of the
24 system.

25 (d) It is the intent of the Legislature, insofar as is practically
26 and fiscally feasible and following the completion of annual testing,
27 that the content, test structure, and test items in the assessments
28 that are part of the statewide pupil assessment system become open
29 and transparent to teachers, parents, and pupils, to assist
30 stakeholders in working together to demonstrate improvement in
31 pupil academic achievement. A planned change in annual test
32 content, format, or design should be made available to educators
33 and the public well before the beginning of the school year in
34 which the change will be implemented.

35 (e) It is the intent of the Legislature that the results of the
36 statewide pupil assessments be available for use, after appropriate
37 validation, for academic credit, or placement and admissions
38 processes, or both, at postsecondary educational institutions.

39 (f) This section shall become operative on July 1, 2014.

1 SEC. 5. Section 60603 of the Education Code is amended to
2 read:

3 60603. As used in this chapter:

4 (a) “Achievement level descriptors” means a narrative
5 description of the knowledge, skills, and processes expected of
6 pupils at different grade levels and at different performance levels
7 on achievement tests.

8 (b) “Achievement test” means any summative standardized test
9 that measures the level of performance that a pupil has achieved
10 on state-adopted content standards.

11 (c) “Census administration” means a test administration in which
12 all pupils take comparable assessments of the same content and
13 where results of individual performance are appropriate and
14 meaningful to parents, pupils, and teachers.

15 (d) “Computer-adaptive assessment” means a computer-based
16 test that utilizes a computer program to adjust the difficulty of test
17 items throughout a testing session based on a test taker’s responses
18 to previous test items during that testing session.

19 (e) “Computer-based assessment” means a test administered
20 using an electronic computing device.

21 (f) “Consortium” means a multistate collaborative organized to
22 develop a comprehensive system of assessments or formative tools
23 such as described in Section 60605.7.

24 (g) “Constructed-response questions” means a type of
25 assessment item that requires pupils to construct their own answers.

26 (h) “Content standards” means the specific academic knowledge,
27 skills, and abilities that all public schools in this state are expected
28 to teach, and all pupils are expected to learn, in reading, writing,
29 mathematics, history-social science, foreign languages, visual and
30 performing arts, and science, at each grade level tested.

31 (i) “Diagnostic assessment” means an assessment of particular
32 knowledge or skills a pupil has or has not yet achieved for the
33 purpose of informing instruction and making placement decisions.

34 (j) “End of course exam” means a comprehensive and
35 challenging assessment of pupil achievement in a particular subject
36 area or discipline.

37 (k) “Field test” means an assessment or assessment items
38 administered to a representative sample of a population to ensure
39 that the test or item produces results that are valid, reliable, and
40 fair.

1 (l) “Formative assessment tools” means assessment tools and
2 processes that are embedded in instruction and used by teachers
3 and pupils to provide timely feedback for purposes of adjusting
4 instruction to improve learning.

5 (m) “High-quality assessment” means an assessment designed
6 to measure a pupil’s knowledge of, understanding of, and ability
7 to apply, critical concepts through the use of a variety of item types
8 and formats, including, but not necessarily limited to, items that
9 allow for constructed responses and items that require the
10 completion of performance tasks. A high-quality assessment should
11 have the following characteristics:

12 (1) Enable measurement of pupil achievement and pupil growth
13 to the extent feasible.

14 (2) Be of high technical quality by being valid, reliable, fair,
15 and aligned to standards.

16 (3) Incorporate technology where appropriate.

17 (4) Include the assessment of pupils with disabilities and English
18 learners.

19 (5) Use, to the extent feasible, universal design principles, as
20 defined in Section 3 of the federal Assistive Technology Act of
21 1998 (29 U.S.C. Sec. 3002) in its development and administration.

22 (n) “Interim assessment” means an assessment that is designed
23 to be given at regular intervals throughout the school year to
24 evaluate a pupil’s knowledge and skills relative to a specific set
25 of academic standards, and produces results that can be aggregated
26 by course, grade level, school, or local educational agency in order
27 to inform teachers and administrators at the pupil, classroom,
28 school, and local educational agency levels.

29 (o) “Local educational agency” means a county office of
30 education, school district, state special school, or direct-funded
31 charter school as described in Section 47651.

32 (p) “Matrix sampling” means administering different portions
33 of a single assessment to different groups of pupils for the purpose
34 of sampling a broader representation of content and reducing
35 testing time.

36 (q) “Measurement of Academic Performance and Progress
37 (MAPP)” means the comprehensive assessment system, inclusive
38 of consortium-developed assessments, that has the primary purpose
39 of modeling and promoting high-quality teaching and instruction
40 using a variety of assessment approaches and item types.

1 (r) “Performance standards” are standards that define various
2 levels of competence at each grade level in each of the curriculum
3 areas for which content standards are established. Performance
4 standards gauge the degree to which a pupil has met the content
5 standards and the degree to which a school or school district has
6 met the content standards.

7 (s) “Performance tasks” are a collection of questions or activities
8 that relate to a single scenario that include pupil interaction with
9 stimulus. Performance tasks are a means to assess more complex
10 skills such as writing, research, and analysis.

11 (t) “Personally identifiable information” includes a pupil’s name
12 and other direct personal identifiers, such as the pupil’s
13 identification number. Personally identifiable information also
14 includes indirect identifiers, such as the pupil’s address and
15 personal characteristics, or other information that would make the
16 pupil’s identity easily traceable through the use of a single or
17 multiple data sources, including publicly available information.

18 (u) “Population sampling” means administering assessments to
19 a representative sample of pupils instead of the entire pupil
20 population. The sample of pupils shall be representative in terms
21 of various pupil subgroups, including, but not necessarily limited
22 to, English learners and pupils with disabilities.

23 (v) “Recently arrived English learner” means a pupil designated
24 as an English learner who is in his or her first 12 months of
25 attending a school in the United States.

26 (w) “State-determined assessment calendar” means the
27 scheduling of assessments, exclusive of those subject area
28 assessments listed in subdivision (b) of Section 60640, over several
29 years on a predetermined schedule. Content areas and grades shall
30 only be assessed after being publicly announced at least two school
31 years in advance of the assessment.

32 (x) “Summative assessment” means an assessment designed to
33 be given near the end of the school year to evaluate a pupil’s
34 knowledge and skills relative to a specific set of academic
35 standards.

36 SEC. 6. Section 60604 of the Education Code is amended to
37 read:

38 60604. (a) The Superintendent shall design and implement,
39 consistent with the timetable and plan required pursuant to
40 subdivision (b), a statewide pupil assessment system consistent

1 with the testing requirements of this article in accordance with the
2 objectives set forth in Section 60602.5. That system shall include
3 all of the following:

4 (1) Exclusive of the consortium assessments, a plan for
5 producing or adopting valid, fair, and reliable achievement tests
6 as recommended by the Superintendent and adopted by the state
7 board pursuant to the Measurement of Academic Performance and
8 Progress (MAPP) established by Article 4 (commencing with
9 Section 60640).

10 (2) A plan for administering the consortium summative
11 assessment as outlined by the joint agreement of the consortium.

12 (3) Statewide academically rigorous content and performance
13 standards that reflect the knowledge and complex skills that pupils
14 will need in order to succeed in the information-based, global
15 economy of the 21st century. These skills shall not include personal
16 behavioral standards or skills, including, but not limited to, honesty,
17 sociability, ethics, or self-esteem.

18 (4) A statewide system that provides the results of testing in a
19 manner that reflects the degree to which pupils are achieving the
20 academically rigorous content and performance standards adopted
21 by the state board.

22 (5) The alignment of assessment with the statewide academically
23 rigorous content and performance standards adopted by the state
24 board.

25 (6) The active, ongoing involvement of parents, classroom
26 teachers, administrators, other educators, governing board members
27 of school districts, business community members, institutions of
28 higher education, and the public in all phases of the design and
29 implementation of the statewide pupil assessment system.

30 (7) A plan for ensuring the security and integrity of the MAPP
31 assessments.

32 (8) The development of a contract or contracts with a contractor
33 for the development or administration of achievement tests and
34 performance tasks aligned to state-adopted content standards,
35 including summative assessments or assessments that employ
36 matrix sampling or population sampling methods.

37 (b) The Superintendent shall develop and annually update for
38 the Legislature a five-year cost projection, implementation plan
39 for the MAPP, and a timetable for implementing the system
40 described in Section 60640. The annual update shall be submitted

1 on or before March 1 of each year to the Department of Finance,
2 the state board, and the respective chairpersons of the appropriate
3 fiscal subcommittees considering budget appropriations and the
4 appropriate policy committees in each house. The update shall
5 explain any significant variations from the five-year cost projection
6 for the current year budget and the proposed budget.

7 (c) The Superintendent shall make resources available that are
8 designed to assist with the interpretation and use of the MAPP
9 results to promote the use of the results for purposes of improving
10 pupil learning and educational programs across the full curriculum.
11 The Superintendent shall consider information already provided
12 by assessment consortia to which California belongs or assessment
13 contractors when fulfilling this requirement.

14 (d) The Superintendent shall make information and resources
15 available to parents, teachers, pupils, administrators, school board
16 members, and the public regarding the MAPP, including, but not
17 necessarily limited to, system goals, purposes, scoring systems,
18 results, valid uses of assessments, and information on the
19 relationship between performance on the previous state assessments
20 and the MAPP.

21 (e) The Superintendent and the state board shall consider
22 comments and recommendations from teachers, administrators,
23 pupil representatives, institutions of higher education, and the
24 public in the development, adoption, and approval of assessment
25 instruments.

26 (f) The results of the achievement tests, exclusive of the
27 consortium summative assessments, administered pursuant to
28 Article 4 (commencing with Section 60640), shall be returned to
29 the local educational agencies within the period of time specified
30 by the state board.

31 SEC. 7. Section 60605.5 of the Education Code is repealed.

32 SEC. 8. Section 60606 of the Education Code is repealed.

33 SEC. 9. Section 60607 of the Education Code is amended to
34 read:

35 60607. (a) Each pupil shall have an individual record of
36 accomplishment by the end of grade 12 that includes the results
37 of the achievement test required and administered annually as part
38 of the Measurement of Academic Performance and Progress
39 (MAPP), or any predecessor assessments, established pursuant to
40 Article 4 (commencing with Section 60640), results of

1 end-of-course exams he or she has taken, and the vocational
2 education certification exams he or she chose to take.

3 (b) It is the intent of the Legislature that local educational
4 agencies and schools use the results of the academic achievement
5 tests administered annually as part of the MAPP to provide support
6 to pupils and parents or guardians in order to assist pupils in
7 strengthening their development as learners, and thereby to improve
8 their academic achievement and performance in subsequent
9 assessments.

10 (c) (1) Except for research provided for in Section 49079.6, a
11 pupil's results or a record of accomplishment shall be private, and
12 may not be released to any person, other than the pupil's parent
13 or guardian and a teacher, counselor, or administrator directly
14 involved with the pupil, without the express written consent of
15 either the parent or guardian of the pupil if the pupil is a minor, or
16 the pupil if the pupil has reached the age of majority or is
17 emancipated.

18 (2) (A) Notwithstanding paragraph (1), a pupil or his or her
19 parent or guardian may authorize the release of pupil results or a
20 record of accomplishment to a postsecondary educational
21 institution for the purpose of credit, placement, or admission.

22 (B) Notwithstanding paragraph (1), the results of an individual
23 pupil on the MAPP may be released to a postsecondary educational
24 institution for the purpose of credit, placement, or admission.

25 SEC. 10. Section 60610 of the Education Code is amended to
26 read:

27 60610. At the request of the state board, and in accordance
28 with rules and regulations that the state board may adopt, each
29 county superintendent of schools shall cooperate with and assist
30 school districts and charter schools under his or her jurisdiction in
31 carrying out the testing programs of those school districts and
32 charter schools and other duties imposed on school districts by
33 this chapter.

34 SEC. 11. Section 60611 of the Education Code is amended to
35 read:

36 60611. A local educational agency, district superintendent of
37 schools, or principal or teacher of any elementary or secondary
38 school, including a charter school, shall not carry on any program
39 for the sole purpose of test preparation of pupils for the statewide
40 pupil assessment system or a particular test used in the statewide

1 pupil assessment system. Nothing in this section prohibits the use
2 of materials to familiarize pupils with item types or the
3 computer-based testing environment used in the Measurement of
4 Academic Performance and Progress.

5 SEC. 12. Section 60612 of the Education Code is amended to
6 read:

7 60612. Upon adoption or approval of assessments pursuant to
8 this chapter, the Superintendent shall prepare, and make available
9 to parents, teachers, pupils, administrators, school board members,
10 and the public, easily understood materials, in accordance with
11 subdivisions (c) and (d) of Section 60604, describing the nature
12 and purposes of the assessments, the systems of scoring, and the
13 valid uses to which the assessments will be put. The Superintendent
14 shall produce the materials for parents in languages other than
15 English in accordance with Section 48985. It is the intent of the
16 Legislature that the department utilize the clearinghouse for
17 multilingual documents to meet this requirement. The
18 Superintendent shall consider information already provided by
19 assessment consortia of which California is a member or
20 assessment contractors when fulfilling this requirement.

21 SEC. 13. Section 60630 of the Education Code is amended to
22 read:

23 60630. (a) The Superintendent shall prepare and submit, and
24 subsequently post on the Internet Web site of the department, an
25 annual report to the state board containing an analysis of the results
26 and test scores of the summative assessments administered pursuant
27 to Section 60640. The Superintendent shall notify the state board
28 and the appropriate policy and fiscal committees of the Legislature
29 that the annual report is available on the Internet Web site of the
30 department.

31 (b) The Superintendent shall post a periodic update on the
32 implementation of the Measurement of Academic Performance
33 and Progress on the Internet Web site of the department, and notify
34 the state board and the appropriate policy and fiscal committees
35 of the Legislature that the update is available on the Internet Web
36 site of the department.

37 SEC. 14. The heading of Article 4 (commencing with Section
38 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of the
39 Education Code is amended to read:

1 Article 4. Measurement of Academic Performance and Progress

2
3 SEC. 15. Section 60640 of the Education Code is amended to
4 read:

5 60640. (a) There is hereby established the Measurement of
6 Academic Performance and Progress, to be known as the MAPP.

7 (b) Commencing with the 2013–14 school year, the MAPP shall
8 be composed of all of the following:

9 (1) (A) A consortium summative assessment in English
10 language arts and mathematics for grades 3 to 8, inclusive, and
11 grade 11 that measures content standards adopted by the state
12 board.

13 (B) In the 2013–14 school year, the consortium summative
14 assessment in English language arts and mathematics shall be a
15 field test only, to enable the consortium to gauge the validity and
16 reliability of these assessments and to conduct all necessary
17 psychometric procedures and studies, including, but not necessarily
18 limited to, achievement standard setting, and to allow the
19 department to conduct studies regarding full implementation of
20 the assessment system. These field tests and results shall not be
21 used for any other purpose, including the calculation of any
22 accountability measure.

23 (2) (A) Science grade level assessments in grades 5, 8, and 10
24 that measure content standards pursuant to Section 60605, until a
25 successor assessment is implemented pursuant to subparagraph
26 (B).

27 (B) For science assessments, the Superintendent shall make a
28 recommendation to the state board as soon as is feasible after the
29 adoption of science content standards pursuant to Section 60605.85
30 regarding the assessment of the newly adopted standards. Before
31 making recommendations, the Superintendent shall consult with
32 stakeholders, including, but not necessarily limited to, California
33 science teachers, individuals with expertise in assessing English
34 learners and pupils with disabilities, parents, and measurement
35 experts, regarding the grade level and type of assessment. The
36 recommendations shall include cost estimates and a plan for
37 implementation of at least one assessment in each of the following
38 grade spans:

39 (i) Grades 3 to 5, inclusive.

40 (ii) Grades 6 to 9, inclusive.

1 (iii) Grades 10 to 12, inclusive.

2 (3) The California Alternate Performance Assessment in grades
3 2 to 11, inclusive, in English language arts and mathematics and
4 science in grades 5, 8, and 10, which measures content standards
5 adopted pursuant to Section 60605 until a successor assessment
6 is implemented. The successor assessment shall be limited to the
7 grades and subject areas assessed pursuant to paragraph (1) and
8 subparagraph (B) of paragraph (2).

9 (4) The Early Assessment Program established by Chapter 6
10 (commencing with Section 99300) of Part 65 of Division 14 of
11 Title 3.

12 (5) (A) The department shall make available to local educational
13 agencies a primary language assessment aligned to the English
14 language arts standards adopted pursuant to Section 60605, as it
15 read on January 1, 2013, for assessing pupils who are enrolled in
16 a dual language immersion program that includes the primary
17 language of the assessment and who are either nonlimited English
18 proficient or redesignated fluent English proficient. The cost for
19 the assessment shall be the same for all local educational agencies,
20 and shall not exceed the marginal cost of the assessment, including
21 any cost the department incurs to implement this section.

22 (B) A local educational agency may administer a primary
23 language assessment aligned to the English language arts standards
24 adopted pursuant to Section 60605, as it read on January 1, 2013,
25 at its own expense, and shall enter into an agreement for that
26 purpose with the testing contractor. If the local educational agency
27 chooses to administer a primary language assessment pursuant to
28 this paragraph, the department shall reimburse the local educational
29 agency for its costs, including a per pupil apportionment to
30 administer the assessment pursuant to subdivision (I). The
31 department shall determine the procedures for reimbursement.

32 (C) The Superintendent shall consult with stakeholders,
33 including assessment and English learner experts, to determine
34 the content and purpose of a stand-alone language arts summative
35 assessment in primary languages other than English that aligns
36 with the English-language arts content standards. The
37 Superintendent shall consider the appropriate purpose for this
38 assessment, including, but not necessarily limited to, support for
39 the State Seal of Biliteracy and accountability. It is the intent of

1 the Legislature that an assessment developed pursuant to this
2 section be included in the state accountability system.

3 (D) The Superintendent shall report and make recommendations
4 to the state board at a regularly scheduled public meeting no sooner
5 than one year after the first full administration of the consortium
6 computer-adaptive assessments in English language arts and
7 mathematics summative assessments in grades 3 to 8, inclusive,
8 and grade 11, regarding an implementation timeline and estimated
9 costs of a stand-alone language arts summative assessment in
10 primary languages other than English.

11 (E) The Superintendent shall develop, and the state board shall
12 adopt, a primary language assessment. The Superintendent shall
13 administer this assessment no later than the 2016–17 school year.

14 (F) This paragraph shall be operative only to the extent that
15 funding is provided in the annual Budget Act or another statute
16 for the purpose of this section.

17 (c) No later than March 1, 2016, the Superintendent shall submit
18 to the state board recommendations on expanding the MAPP to
19 include additional assessments, for consideration at a regularly
20 scheduled public meeting. The Superintendent shall also submit
21 these recommendations to the appropriate policy and fiscal
22 committees of the Legislature and to the Director of Finance in
23 accordance with all of the following:

24 (1) In consultation with stakeholders, including, but not
25 necessarily limited to, California teachers, individuals with
26 expertise in assessing English learners and pupils with disabilities,
27 parents, and measurement experts, the Superintendent shall make
28 recommendations regarding assessments including the grade level,
29 content, and type of assessment. These recommendations shall
30 take into consideration the assessments already administered or
31 planned pursuant to subdivision (b). The Superintendent shall
32 consider the use of consortium-developed assessments, various
33 item types, computer-based testing, and a timeline for
34 implementation.

35 (2) The recommendations shall consider assessments in subjects,
36 including, but not necessarily limited to, history-social science,
37 technology, visual and performing arts, and other subjects as
38 appropriate, as well as English language arts, mathematics, and
39 science assessments to augment the assessments required under
40 subdivision (b), and the use of various assessment options,

1 including, but not necessarily limited to, computer-based tests,
2 locally scored performance tasks, and portfolios.

3 (3) The recommendations shall include the use of an assessment
4 calendar that would schedule the assessments identified pursuant
5 to paragraph (2) over several years, the use of matrix sampling, if
6 appropriate, and the use of population sampling.

7 (4) The recommendations shall include a timeline for test
8 development, and shall include cost estimates for subject areas, as
9 appropriate.

10 (5) Upon approval by the state board and the appropriation of
11 funding for this purpose, the Superintendent shall develop and
12 administer approved assessments. The state board shall approve
13 test blueprints, achievement level descriptors, testing periods,
14 performance standards, and a reporting plan for each approved
15 assessment.

16 (d) For the 2013–14 and 2014–15 school years, the department
17 shall make available to local educational agencies Standardized
18 Testing and Reporting Program test forms no longer required by
19 the MAPP. The cost of implementing this subdivision, including,
20 but not necessarily limited to, shipping, printing, scoring, and
21 reporting per pupil shall be the same for all local educational
22 agencies, and shall not exceed the marginal cost of the assessment,
23 including any cost the department incurs to implement this section.
24 A local educational agency that chooses to administer an
25 assessment pursuant to this section shall do so at its own expense,
26 and shall enter into an agreement for that purpose with a contractor,
27 subject to the approval of the department.

28 (e) The Superintendent shall make available a paper and pencil
29 version of any computer-based MAPP assessment for use by pupils
30 who are unable to access the computer-based version of the
31 assessment for a maximum of three years after a new operational
32 test is first administered.

33 (f) (1) From the funds available for that purpose, each local
34 educational agency shall administer assessments to each of its
35 pupils pursuant to subdivision (b). As allowable by federal statute,
36 recently arrived English learner pupils are exempted from taking
37 the assessment in English language arts. The state board shall
38 establish a testing period to provide that all schools administer
39 these tests to pupils at approximately the same time during the
40 instructional year. The testing period established by the state board

1 shall take into consideration the need of local educational agencies
2 to provide makeup days for pupils who were absent during testing,
3 as well as the need to schedule testing on electronic computing
4 devices.

5 (2) For the 2013–14 school year, each local educational agency
6 shall administer the field tests in a manner described by the
7 department in consultation with the president or executive director
8 of the state board. Additional participants in the field test beyond
9 the representative sample may be approved by the department, and
10 the department shall use existing contract savings to fund district
11 participation in one or more tests per participant. Funds for this
12 purpose shall be utilized to allow for maximum participation in
13 the field test across the state. To the extent savings in the current
14 contract are not available to fully fund this participation, the
15 department shall prorate available funds by test. Local educational
16 agencies shall bear any additional costs to administer these
17 assessments that are in excess of the contracted amount. With
18 approval of the state board and the Director of Finance, the
19 department shall amend the existing assessment contract to
20 accommodate field testing beyond the representative sample, and
21 to allow for special studies using information collected from the
22 field tests.

23 (g) From the funds available for that purpose, each local
24 educational agency shall administer assessments as determined by
25 the state board pursuant to paragraph (5) of subdivision (c).

26 (h) As feasible, the MAPP field tests shall be conducted in a
27 manner that will minimize the testing burden on individual schools.
28 The MAPP field tests shall not produce individual pupil scores
29 unless it is determined that these scores are valid and reliable.

30 (i) The governing board of a school district may administer
31 achievement tests in grades other than those required by this section
32 as it deems appropriate.

33 (j) The governing board of a school district may administer a
34 primary language assessment aligned to the English language arts
35 standards adopted pursuant to Section 60605 to a pupil identified
36 as limited English proficient enrolled in any of grades 2 to 11,
37 inclusive, who either receives instruction in his or her primary
38 language or has been enrolled in a school in the United States for
39 less than 12 months until a subsequent primary language
40 assessment aligned to the common core standards in English

1 language arts adopted pursuant to Section 60605.8 is developed
2 pursuant to paragraph (5) of subdivision (b). If the governing board
3 of a school district chooses to administer this assessment, it shall
4 notify the department in a manner determined by the department.

5 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United
6 States Code, individuals with exceptional needs, as defined in
7 Section 56026, shall be included in the testing requirement of
8 subdivision (b) with appropriate accommodations in administration,
9 where necessary, and those individuals with exceptional needs
10 who are unable to participate in the testing, even with
11 accommodations, shall be given an alternate assessment.

12 (l) (1) The Superintendent shall apportion funds appropriated
13 for these purposes to local educational agencies to enable them to
14 meet the requirements of subdivisions (b) and (c).

15 (A) For the MAPP field tests administered in the 2013–14 school
16 year or later school years, the Superintendent shall apportion funds
17 to local educational agencies if funds are specifically provided for
18 this purpose in the annual Budget Act.

19 (B) The Superintendent shall apportion funds to local
20 educational agencies to enable them to administer assessments
21 used to satisfy the voluntary Early Assessment Program in the
22 2013–14 school year pursuant to paragraph (4) of subdivision (b).

23 (2) The state board annually shall establish the amount of
24 funding to be apportioned to local educational agencies for each
25 test administered and annually shall establish the amount that each
26 contractor shall be paid for each test administered under the
27 contracts required pursuant to Section 60643. The amounts to be
28 paid to the contractors shall be determined by considering the cost
29 estimates submitted by each contractor each September and the
30 amount included in the annual Budget Act, and by making
31 allowance for the estimated costs to school districts for compliance
32 with the requirements of subdivisions (b) and (c). The state board
33 shall take into account changes to local educational agency test
34 administration activities under the MAPP, including, but not limited
35 to, the number, type of tests administered, and changes in
36 computerized test registration and administration procedures, when
37 establishing the amount of funding to be apportioned to local
38 educational agencies for each test administered.

39 (3) An adjustment to the amount of funding to be apportioned
40 per test shall not be valid without the approval of the Director of

1 Finance. A request for approval of an adjustment to the amount
2 of funding to be apportioned per test shall be submitted in writing
3 to the Director of Finance and the chairpersons of the fiscal
4 committees of both houses of the Legislature with accompanying
5 material justifying the proposed adjustment. The Director of
6 Finance is authorized to approve only those adjustments related
7 to activities required by statute. The Director of Finance shall
8 approve or disapprove the amount within 30 days of receipt of the
9 request and shall notify the chairpersons of the fiscal committees
10 of both houses of the Legislature of the decision.

11 (m) For purposes of making the computations required by
12 Section 8 of Article XVI of the California Constitution, the
13 appropriation for the apportionments made pursuant to paragraph
14 (1) of subdivision (I), and the payments made to the contractors
15 under the contracts required pursuant to Section 60643 or
16 subparagraph (C) of paragraph (1) of subdivision (a) of Section
17 60605 between the department and the contractor, are “General
18 Fund revenues appropriated for school districts,” as defined in
19 subdivision (c) of Section 41202, for the applicable fiscal year,
20 and included within the “total allocations to school districts and
21 community college districts from General Fund proceeds of taxes
22 appropriated pursuant to Article XIII B,” as defined in subdivision
23 (e) of Section 41202, for that fiscal year.

24 (n) As a condition to receiving an apportionment pursuant to
25 subdivision (I), a local educational agency shall report to the
26 Superintendent all of the following:

27 (1) The pupils enrolled in the local educational agency in the
28 grades in which assessments were administered pursuant to
29 subdivisions (b) and (c).

30 (2) The pupils to whom an achievement test was administered
31 pursuant to subdivisions (b) and (c) in the local educational agency.

32 (3) The pupils in paragraph (1) who were exempted from the
33 test pursuant to this section.

34 (o) The Superintendent and the state board are authorized and
35 encouraged to assist postsecondary educational institutions to use
36 the assessment results of the MAPP, including, but not necessarily
37 limited to, the grade 11 consortium summative assessments in
38 English language arts and mathematics, for academic credit,
39 placement, or admissions processes.

1 (p) Subject to the availability of funds in the annual Budget Act
2 for this purpose, and exclusive of the consortium assessments, the
3 Superintendent, with the approval of the state board, annually shall
4 release to the public test items from the achievement tests pursuant
5 to Section 60642.5 administered in previous years. Where feasible
6 and practicable, the minimum number of test items released per
7 year shall be equal to 25 percent of the total number of test items
8 on the test administered in the previous year.

9 (q) On or before July 1, 2014, Sections 850 to 868, inclusive,
10 of Title 5 of the California Code of Regulations shall be revised
11 by the state board to conform to the changes made to this section
12 in the first year of the 2013–14 Regular Session. The state board
13 shall adopt initial regulations as emergency regulations to
14 immediately implement the MAPP assessments, including, but
15 not necessarily limited to, the administration, scoring, and reporting
16 of the tests, as the adoption of emergency regulations is necessary
17 for the immediate preservation of the public peace, health, safety,
18 or general welfare within the meaning of Section 11346.1 of the
19 Government Code. The emergency regulations shall be followed
20 by the adoption of permanent regulations, in accordance with the
21 Administrative Procedure Act (Chapter 3.5 (commencing with
22 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
23 Code).

24 SEC. 16. Section 60641 of the Education Code is amended to
25 read:

26 60641. (a) The department shall ensure that local educational
27 agencies comply with each of the following requirements:

28 (1) The achievement tests provided for in Section 60640 are
29 scheduled to be administered to all pupils, inclusive of pupils
30 enrolled in charter schools and exclusive of pupils exempted
31 pursuant to Section 60640, during the period prescribed in
32 subdivision (b) of Section 60640.

33 (2) For assessments that produce valid individual pupil results,
34 the individual results of each pupil tested pursuant to Section 60640
35 shall be reported, in writing, to the parent or guardian of the pupil.
36 The report shall include a clear explanation of the purpose of the
37 test, the score of the pupil, and the intended use by the local
38 educational agency of the test score. This subdivision does not
39 require teachers or other local educational agency personnel to
40 prepare individualized explanations of the test score of each pupil.

1 It is the intent of the Legislature that nothing in this section shall
2 preclude a school or school district from meeting the reporting
3 requirement by the use of electronic media formats that secure the
4 confidentiality of the pupil and the pupil's results. State agencies
5 or local educational agencies shall not use a comparison resulting
6 from the scores and results of the Measurement of Academic
7 Performance and Progress (MAPP) assessments and the assessment
8 scores and results from assessments that measured previously
9 adopted content standards.

10 (3) (A) For assessments that produce valid individual pupil
11 results, the individual results of each pupil tested pursuant to
12 Section 60640 also shall be reported to the school and teachers of
13 a pupil. The local educational agency shall include the test results
14 of a pupil in his or her pupil records. However, except as provided
15 in this section and Section 60607, personally identifiable pupil test
16 results only may be released with the permission of either the
17 pupil's parent or guardian if the pupil is a minor, or the pupil if
18 the pupil has reached the age of majority or is emancipated.

19 (B) Notwithstanding subparagraph (A) and pursuant to
20 subdivision (c) of Section 60607, a pupil or his or her parent or
21 guardian may authorize the release of individual pupil results to a
22 postsecondary educational institution for the purpose of credit,
23 placement, determination of readiness for college-level coursework,
24 or admission.

25 (4) The districtwide, school-level, and grade-level results of the
26 MAPP in each of the grades designated pursuant to Section 60640,
27 but not the score or relative position of any individually
28 ascertainable pupil, shall be reported to the governing board of the
29 school district at a regularly scheduled meeting, and the
30 countywide, school-level, and grade-level results for classes and
31 programs under the jurisdiction of the county office of education
32 shall be similarly reported to the county board of education at a
33 regularly scheduled meeting.

34 (b) The state board shall adopt regulations that outline a calendar
35 for delivery and receipt of summative assessment results at the
36 pupil, school, grade, district, county, and state levels. The calendar
37 shall include delivery dates to the department and to local
38 educational agencies. The calendar for delivery shall provide for
39 the timely return of assessment results, and consider the amount
40 of paper-and-pencil administered assessments and number of items

1 requiring hand scoring. The calendar shall also ensure that
2 individual assessment results are reported to local educational
3 agencies within eight weeks of receipt by the contractor for scoring.

4 (c) Aggregated, disaggregated, or group scores or reports that
5 include the results of the MAPP assessments, inclusive of the
6 reports developed pursuant to Section 60630, shall not be publicly
7 reported to any party other than the school or local educational
8 agency where the pupils were tested, if the aggregated,
9 disaggregated, or group scores or reports are comprised of 10 or
10 fewer individual pupil assessment results. Exclusive of the reports
11 developed pursuant to Section 60630, in no case shall any group
12 score or report be displayed that would deliberately or inadvertently
13 make the score or performance of any individual pupil or teacher
14 identifiable.

15 (d) For those entities described in clauses (i) and (iii) of
16 subparagraph (B) of paragraph (3) of subdivision (c) of Section
17 49079.6, the MAPP scores and results shall be released pursuant
18 to the process outlined in paragraph (3) of subdivision (c) of
19 Section 49079.6.

20 (e) The department shall ensure that pupils in grade 11, or
21 parents or legal guardians of those pupils, may request results from
22 grade 11 assessments administered as part of the MAPP for the
23 purpose of determining credit, placement, or readiness for
24 college-level coursework be released to a postsecondary
25 educational institution.

26 SEC. 17. Section 60642.6 is added to the Education Code, to
27 read:

28 60642.6. The department shall acquire, and offer at no cost to
29 local educational agencies, interim and formative assessment tools
30 for kindergarten and grades 1 to 12, inclusive, as provided through
31 the consortium membership pursuant to Section 60605.7.

32 SEC. 18. Section 60643 of the Education Code is amended to
33 read:

34 60643. (a) Notwithstanding any other law, the contractor or
35 contractors of the achievement tests provided for in Section 60640
36 shall comply with all of the conditions and requirements of the
37 contract to the satisfaction of the Superintendent and the state
38 board.

39 (b) (1) The department shall develop, and the Superintendent
40 and the state board shall approve, a contract or contracts to be

1 entered into with a contractor in connection with the test provided
2 for in Section 60640. The department may develop the contract
3 through negotiations. In approving a contract amendment to the
4 contract authorized pursuant to this section, the department, in
5 consultation with the state board, may make material amendments
6 to the contract that do not increase the contract cost. Contract
7 amendments that increase contract costs may only be made with
8 the approval of the department, the state board, and the Department
9 of Finance.

10 (2) For purposes of the contracts authorized pursuant to this
11 subdivision, the department is exempt from the requirements of
12 Part 2 (commencing with Section 10100) of Division 2 of the
13 Public Contract Code and from the requirements of Article 6
14 (commencing with Section 999) of Chapter 6 of Division 4 of the
15 Military and Veterans Code. The department shall use a
16 competitive and open process utilizing standardized scoring criteria
17 through which to select a potential administration contractor or
18 contractors for recommendation to the state board for consideration.
19 The state board shall consider each of the following criteria:

20 (A) The ability of the contractor to produce valid and reliable
21 scores.

22 (B) The ability of the contractor to report accurate results in a
23 timely fashion.

24 (C) Exclusive of the consortium assessments, the ability of the
25 contractor to ensure technical adequacy of the tests, inclusive of
26 the alignment between the Measurement of Academic Performance
27 and Progress (MAPP) tests and the state-adopted content standards.

28 (D) The cost of the assessment system.

29 (E) The ability and proposed procedures to ensure the security
30 and integrity of the assessment system.

31 (F) The experience of the contractor in successfully conducting
32 statewide testing programs in other states.

33 (3) The contracts shall include provisions for progress payments
34 to the contractor for work performed or costs incurred in the
35 performance of the contract. Not less than 10 percent of the amount
36 budgeted for each separate and distinct component task provided
37 for in each contract shall be withheld pending final completion of
38 all component tasks by that contractor. The total amount withheld
39 pending final completion shall not exceed 10 percent of the total
40 contract price for that fiscal year.

1 (4) The contracts shall require liquidated damages to be paid
2 by the contractor in the amount of up to 10 percent of the total cost
3 of the contract for any component task that the contractor through
4 its own fault or that of its subcontractors fails to substantially
5 perform by the date specified in the agreement.

6 (5) The contracts shall establish the process and criteria by
7 which the successful completion of each component task shall be
8 recommended by the department and approved by the state board.

9 (6) The contractors shall submit, as part of the contract
10 negotiation process, a proposed budget and invoice schedule, that
11 includes a detailed listing of the costs for each component task
12 and the expected date of the invoice for each completed component
13 task.

14 (7) The contract or contracts subject to approval by the
15 Superintendent and the state board under paragraph (1) and exempt
16 under paragraph (2) shall specify the following component tasks,
17 as applicable, that are separate and distinct:

18 (A) Development of new tests or test items.

19 (B) Test materials production or publication.

20 (C) Delivery or electronic distribution of test materials to local
21 educational agencies.

22 (D) Test processing, scoring, and analyses.

23 (E) Reporting of test results to the local educational agencies,
24 including, but not necessarily limited to, all reports specified in
25 this section.

26 (F) Reporting of valid and reliable test results to the department,
27 including, but not necessarily limited to, the following electronic
28 files:

29 (i) Scores aggregated statewide, and by county, school district,
30 school, and grade.

31 (ii) Disaggregated scores based on English proficiency status,
32 gender, ethnicity, socioeconomic disadvantage, foster care status,
33 and special education designation.

34 (G) All other analyses or reports required by the Superintendent
35 to meet the requirements of state and federal law and set forth in
36 the agreement.

37 (H) Technology services to support the activities listed in
38 subparagraphs (A) to (G), inclusive.

39 (I) Perform regular performance checks and load simulations
40 to ensure the integrity and robustness of the technology system

1 used to support the activities listed in subparagraphs (A) to (G),
2 inclusive.

3 SEC. 19. Section 60643.1 of the Education Code is repealed.

4 SEC. 20. Section 60643.5 of the Education Code is repealed.

5 SEC. 21. Section 60643.6 is added to the Education Code, to
6 read:

7 60643.6. A local educational agency shall be reimbursed by
8 the contractor selected pursuant to this article for any unexpected
9 expenses incurred due to scheduling changes that resulted from
10 the late delivery of testing materials in connection with the
11 Measurement of Academic Performance and Progress.

12 SEC. 22. Section 60645 of the Education Code is repealed.

13 SEC. 23. Section 60648 of the Education Code is amended to
14 read:

15 60648. Exclusive of consortium summative assessments, the
16 Superintendent shall recommend, and the state board shall adopt,
17 performance standards on the Measurement of Academic
18 Performance and Progress summative tests administered pursuant
19 to this article. The performance levels shall identify and establish
20 the minimum performance required for meeting a particular
21 achievement level expectation. Once adopted, these standards shall
22 be reviewed by the state board every five years to determine
23 whether adjustments are necessary.

24 SEC. 24. Section 60648.5 is added to the Education Code, to
25 read:

26 60648.5. (a) The first full administration of assessments
27 aligned to the common core standards in English language arts
28 and mathematics shall occur in the 2014–15 school year unless
29 the state board determines that the assessments cannot be fully
30 implemented.

31 (b) The department shall determine how school districts are
32 progressing toward implementation of a technology-enabled
33 assessment system, and the extent to which the assessments aligned
34 to the common core standards in English language arts and
35 mathematics can be fully implemented. The department shall
36 provide a report and recommendations to the state board, the
37 Department of Finance, and the appropriate fiscal and policy
38 committees of the Legislature on or before October 1, 2014.

39 (c) Based on the information in the report required under this
40 section, the state board shall determine whether the state shall fully

1 implement the operational consortium computer-adaptive
2 summative assessments in English language arts and mathematics
3 in grades 3 to 8, inclusive, and grade 11 for the 2014–15 school
4 year.

5 SEC. 25. Section 60649 of the Education Code is repealed.

6 SEC. 26. Section 60649 is added to the Education Code, to
7 read:

8 60649. (a) The department shall develop a three-year plan of
9 activities, with the approval of the state board, supporting the
10 continuous improvement of the assessments developed and
11 administered pursuant to Section 60640. The plan shall include a
12 process for obtaining independent, objective technical advice and
13 consultation on activities to be undertaken. Activities may include,
14 but not necessarily be limited to, a variety of internal and external
15 studies such as validity studies, alignment studies, and studies
16 evaluating test fairness, testing accommodations, testing policies,
17 and reporting procedures, and consequential validity studies
18 specific to pupil populations such as English learners and pupils
19 with disabilities.

20 (b) Beginning in the school year in which the first full
21 administration of the consortium computer-adaptive assessments
22 in English language arts and mathematics in grades 3 to 8,
23 inclusive, and grade 11 occurs, and every three years thereafter,
24 the department shall contract for a three-year independent
25 evaluation of the assessments. Independent evaluation reports shall
26 include interim annual reports as well as a final report on the
27 activities and analysis of the three-year evaluation including, but
28 not necessarily limited to, recommendations to ensure the quality,
29 fairness, validity, and reliability of the assessments. These validity
30 studies shall take into consideration the purposes of the assessment
31 system and its results, and the timeline for implementation of the
32 assessments, the adoption of new curriculum resources, and the
33 development and delivery of professional development. The
34 department shall not contract for studies that duplicate studies
35 conducted as part of a federal peer review process or studies
36 conducted by any assessment contractor.

37 (c) The independent evaluation reports and interim annual
38 reports shall be submitted to the Governor, the Superintendent,
39 the state board, and the chairs of the education policy committees
40 in both houses of the Legislature by October 31 each year.

(d) Notwithstanding Section 60601, this section shall become inoperative on July 1, 2021, and, as of January 1, 2022, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2022, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 27. Section 99300 of the Education Code is amended to read:

99300. (a) (1) Commencing with the 2014–15 school year and for purposes of the Early Assessment Program established by this chapter, the California Standards Test and the augmented California Standards Tests in English language arts and mathematics may be replaced with the grade 11 consortium computer-adaptive assessments in English language arts and mathematics.

(2) The Legislature finds and declares that in 2004, the California State University (CSU) established the Early Assessment Program (EAP), a collaborative effort among the State Board of Education, the State Department of Education, and CSU, to enable pupils to learn about their readiness for college-level English and mathematics before their senior year of high school. It is the intent of the Legislature that the office of the Chancellor of the California Community Colleges, the office of the Chancellor of the California State University, the State Board of Education, and the State Department of Education work together to modify the existing EAP to expand it to include the California Community Colleges (CCC) so that, beginning in the 2009–10 school year, high school juniors who are considering attending either system can take the EAP and receive information in the summer before their senior year concerning their preparation for college-level work at both CSU and CCC.

(b) It is also the intent of the Legislature that the existing EAP student notification system, as currently operated by agreement between CSU and the State Department of Education, be modified to do both of the following:

(1) Reassure pupils that they are eligible to attend a community college and that taking the EAP test has no bearing on their eligibility to attend a community college.

(2) Inform pupils of their readiness for college-level coursework in English or mathematics, or both, and recommend the next appropriate steps as they pertain to achieving success at a

1 community college, similar to how CSU communicates with pupils
2 who take the EAP test and are prospective CSU students.

3 (c) It is also the intent of the Legislature that the EAP be
4 modified to include all of the following requirements:

5 (1) That the participating community college districts utilize
6 the existing EAP secure data repository and clearinghouse for test
7 score distribution of the assessment, as referenced in Section
8 60641.

9 (2) That the modified EAP not affect the statutory reporting
10 requirements provided in Section 60641, or increase the costs of
11 either the assessment program referenced in Section 60640 or the
12 State Department of Education.

13 (3) That the modified EAP be titled the “Early Assessment
14 Program.”

15 SEC. 28. Section 99301 of the Education Code is amended to
16 read:

17 99301. (a) Notwithstanding subdivision (a) of Section 78213,
18 the individual grade 11 assessment results, as referenced in Section
19 60641, in addition to any other purposes, may be used by
20 community college districts to provide diagnostic advice to, or for
21 the placement of, prospective community college students
22 participating in the EAP.

23 (b) (1) As authorized pursuant to subparagraph (B) of paragraph
24 (3) of subdivision (a) of Section 60641, the individual assessment
25 results, as referenced in Section 60641, shall be provided to the
26 office of the Chancellor of the California Community Colleges.

27 (2) The office of the Chancellor of the California Community
28 Colleges shall coordinate with community college districts that
29 choose to voluntarily participate in the EAP as follows, and, to the
30 extent possible, shall accomplish all of the following activities
31 using existing resources:

32 (A) Encourage community college districts to choose to
33 voluntarily participate in the EAP and notify them of the
34 requirements of subdivision (c), including the requirements that
35 the standards utilized by CSU to assess readiness for college-level
36 English and mathematics courses, as expressed in the assessment
37 referenced in Section 60641, shall also be used for the purposes
38 of the EAP.

39 (B) Coordinate the progress of the program, provide technical
40 assistance to participating community college districts pursuant

1 to subdivision (c) as needed, identify additional reporting and
2 program criteria as needed, and provide a report to the Legislature
3 and Governor on or before February 15, 2015, on the
4 implementation and results of the EAP for community college
5 students.

6 (C) Provide access to the individual assessment results, as
7 referenced in Section 60641, to participating community college
8 districts.

9 (c) For those community college districts that choose to work
10 directly with high school pupils within their respective district
11 boundaries who took the assessment, as referenced in Section
12 60641, and choose to offer assistance to these pupils in
13 strengthening their college readiness skills, all of the following
14 provisions apply:

15 (1) The individual results of the assessment, as referenced in
16 Section 60641, shall be released by the office of the Chancellor
17 of the California Community Colleges, as authorized pursuant to
18 subparagraph (B) of paragraph (3) of subdivision (a) of Section
19 60641, to participating community college districts upon their
20 request for this information and may be used to provide diagnostic
21 advice to prospective community college students participating in
22 the EAP.

23 (2) Pursuant to subparagraph (A) of paragraph (2) of subdivision
24 (b), the same standards utilized by CSU to assess readiness shall
25 also be used for purposes of this section.

26 (3) The assessment, as referenced in Section 60641, and
27 currently utilized by CSU for purposes of early assessment, shall
28 be used to assess the college readiness of pupils in the EAP.

29 (4) Participating community college districts are encouraged to
30 consult with the Academic Senate for the California Community
31 Colleges to work toward sequencing their precollegiate level
32 courses and transfer-level courses in English and mathematics to
33 the elementary and secondary education academic content standards
34 adopted pursuant to Section 60605.

35 (5) Participating community college districts shall identify an
36 EAP coordinator and shall coordinate with CSU campuses and
37 schools offering instruction in kindergarten and any of grades 1
38 to 12, inclusive, in their respective district boundaries on
39 EAP-related activities that assist pupils in making decisions that

1 increase their college readiness skills and likelihood of pursuing
2 a postsecondary education.

3 (6) In order to provide high school pupils with an indicator of
4 their college readiness, a community college district participating
5 in the EAP shall use individual assessment results provided to that
6 college pursuant to paragraph (1) of, and subparagraph (C) of
7 paragraph (2) of, subdivision (b) to provide diagnostic advice to
8 prospective community college students participating in the EAP.

9 (7) The individual results of the assessment, as referenced in
10 Section 60641 for purposes of the EAP, shall not be used by a
11 community college as a criterion for admission.

12 (8) Participating community college districts shall utilize the
13 existing infrastructure of academic opportunities, as developed by
14 CSU, to provide additional preparation in grade 12 for prospective
15 community college students participating in the EAP.

16 (d) Both of the following provisions apply to CSU:

17 (1) The individual results of the assessment, as referenced in
18 Section 60641, as authorized pursuant to subparagraph (B) of
19 paragraph (3) of subdivision (a) of Section 60641, shall be released
20 to, and in addition to any other purposes, may be used by, CSU
21 to provide diagnostic advice to, or for the placement of prospective
22 CSU students participating in the EAP.

23 (2) The individual results of the assessment, as referenced in
24 Section 60641 for purposes of the EAP, shall not be used by CSU
25 as a criterion for admission.

26 SEC. 28.5. Section 99301 of the Education Code is amended
27 to read:

28 99301. (a) Notwithstanding subdivision (a) of Section 78213,
29 the individual grade 11 assessment results, as referenced in Section
30 60641, or a standards-aligned successor assessment, in addition
31 to any other purposes, may be used by community college districts
32 to provide diagnostic advice to, or for the placement of, prospective
33 community college students participating in the EAP.

34 (b) (1) As authorized pursuant to subparagraph (B) of paragraph
35 (3) of subdivision (a) of Section 60641, the individual assessment
36 results, as referenced in Section 60641, or a standards-aligned
37 successor assessment, shall be provided to the office of the
38 Chancellor of the California Community Colleges.

39 (2) The office of the Chancellor of the California Community
40 Colleges shall coordinate with community college districts that

1 choose to voluntarily participate in the EAP as follows, and, to the
2 extent possible, shall accomplish all of the following activities
3 using existing resources:

4 (A) Encourage community college districts to choose to
5 voluntarily participate in the EAP and notify them of the
6 requirements of subdivision (c), including the requirements that
7 the standards utilized by CSU to assess readiness for college-level
8 English and mathematics courses, as expressed in the assessment
9 referenced in Section 60641, or a standards-aligned successor
10 assessment, shall also be used for the purposes of the EAP.

11 (B) Coordinate the progress of the program, provide technical
12 assistance to participating community college districts pursuant
13 to subdivision (c) as needed, identify additional reporting and
14 program criteria as needed, and provide a report to the Legislature
15 and Governor on or before February 15, 2015, on the
16 implementation and results of the EAP for community college
17 students.

18 (C) Provide access to the individual assessment results, as
19 referenced in Section 60641, or a standards-aligned successor
20 assessment, to participating community college districts.

21 (c) For those community college districts that choose to work
22 directly with high school pupils within their respective district
23 boundaries who took the assessment, as referenced in Section
24 60641, or a standards-aligned successor assessment, and choose
25 to offer assistance to these pupils in strengthening their college
26 readiness skills, all of the following provisions apply:

27 (1) The individual results of the assessment, as referenced in
28 Section 60641, or a standards-aligned successor assessment, shall
29 be released by the office of the Chancellor of the California
30 Community Colleges, as authorized pursuant to subparagraph (B)
31 of paragraph (3) of subdivision (a) of Section 60641, to
32 participating community college districts upon their request for
33 this information and may be used to provide diagnostic advice to
34 prospective community college students participating in the EAP.

35 (2) Pursuant to subparagraph (A) of paragraph (2) of subdivision
36 (b), the same standards utilized by CSU to assess readiness shall
37 also be used for purposes of this section.

38 (3) The assessment, as referenced in Section 60641, and utilized
39 by CSU for purposes of early assessment, or a standards-aligned

1 successor assessment, shall be used to assess the college readiness
2 of pupils in the EAP.

3 (4) Participating community college districts are encouraged to
4 consult with the Academic Senate for the California Community
5 Colleges to work toward sequencing their precollegiate level
6 courses and transfer-level courses in English and mathematics to
7 the common core academic content standards adopted pursuant to
8 Section 60605.8.

9 (5) Participating community college districts shall identify an
10 EAP coordinator and shall coordinate with CSU campuses and
11 schools offering instruction in kindergarten and any of grades 1
12 to 12, inclusive, in their respective district boundaries on
13 EAP-related activities that assist pupils in making decisions that
14 increase their college readiness skills and likelihood of pursuing
15 a postsecondary education.

16 (6) In order to provide high school pupils with an indicator of
17 their college readiness, a community college district participating
18 in the EAP shall use individual assessment results provided to that
19 college pursuant to paragraph (1) of, and subparagraph (C) of
20 paragraph (2) of, subdivision (b) to provide diagnostic advice to
21 prospective community college students participating in the EAP.

22 (7) The individual results of the assessment, as referenced in
23 Section 60641 for purposes of the EAP, or a standards-aligned
24 successor assessment, shall not be used by a community college
25 as a criterion for admission.

26 (8) Participating community college districts shall utilize the
27 existing infrastructure of academic opportunities, as developed by
28 CSU, to provide additional preparation in grade 12 for prospective
29 community college students participating in the EAP.

30 (d) Both of the following provisions apply to CSU:

31 (1) The individual results of the assessment, as referenced in
32 Section 60641, or a standards-aligned successor assessment, as
33 authorized pursuant to subparagraph (B) of paragraph (3) of
34 subdivision (a) of Section 60641, shall be released to, and in
35 addition to any other purposes, may be used by, CSU to provide
36 diagnostic advice to, or for, the placement of prospective CSU
37 students participating in the EAP.

38 (2) The individual results of the assessment, as referenced in
39 Section 60641 for purposes of the EAP, or a standards-aligned

1 successor assessment, shall not be used by CSU as a criterion for
2 admission.

3 SEC. 29. (a) ~~Section 28.5~~ *1.5 of this bill incorporates*
4 *amendments to Section 52052 of the Education Code proposed by*
5 *both this bill and Senate Bill 344. It shall only become operative*
6 *if (1) both bills are enacted and become effective on or before*
7 *January 1, 2014, (2) each bill amends Section 52052 of the*
8 *Education Code, and (3) this bill is enacted after Senate Bill 344,*
9 *in which case Section 1 of this bill shall not become operative.*

10 (b) *Section 28.5 of this bill incorporates amendments to Section*
11 *99301 of the Education Code proposed by both this bill and Senate*
12 *Bill 490. It shall only become operative if (1) both bills are enacted*
13 *and become effective on or before January 1, 2014, (2) each bill*
14 *amends Section 99301 of the Education Code, and (3) this bill is*
15 *enacted after Senate Bill 490, in which case Section 28 of this bill*
16 *shall not become operative.*